

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
JANE DOE	:
	:
Plaintiff,	: <u>ORDER</u>
	:
-v.-	:
	: 20 Civ. 6569 (PAC) (GWG)
CUBA GOODING, JR.,	:
	:
Defendant.	:
-----X	

HONORABLE PAUL A. CROTTY, United States District Judge

Discovery closed in this matter on October 31, 2022. (Docket # 89). At a conference held on February 27, 2023, to set a trial date, an attorney for the defendant (who has not filed a notice of appearance) sought to make a motion to compel discovery and represented to the Court that Judge Gorenstein had never set a "date for filing motions to compel." See Transcript, filed March 1, 2023 (Docket # 113) at 4-5. In light of this representation, the Court caused a minute entry to be made on the docket on February 27, 2023, indicating that the Court would "await Defendant's letter motion with regard to discovery."

The Court has since learned that the representation made by the defendant was in fact incorrect. In the first order Judge Gorenstein issued in this case, he directed as follows:

Discovery motions -- that is, any application pursuant to Rules 26 through 37 or 45 -- not only must comply with ¶ 2.A. of the Court's Individual Practices but also must be made promptly after the cause for such a motion arises. In addition, absent extraordinary circumstances no such application will be considered if made later than 30 days prior to the close of discovery. Untimely applications will be denied.

See Order, filed January 14, 2022 (Docket # 52), ¶ 4.

In light of Judge Gorenstein's Order, the docket entry of February 27, 2023, should not be construed as indicating that the Court has made a ruling that any application for discovery is timely. This case remains referred for pre-trial purposes to Judge Gorenstein, who will address the application for discovery filed on April 4, 2023 (Docket ## 115, 116), and whether it was timely made.

Dated: April 5, 2023

SO ORDERED:



PAUL A. CROTTY
United States District Judge